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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,859	12/21/2004	Yoshiyuki Oguchi	Q83325	8700
23373	7590	09/11/2006	<input type="text"/> EXAMINER <input type="text"/> BRIGGS, NATHANIEL R	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			<input type="text"/> ART UNIT	<input type="text"/> PAPER NUMBER 2871

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/508,859	OGUCHI ET AL.
	Examiner Nathanael Briggs	Art Unit 2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 March 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 26 March 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/21/04.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date.       .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other:       .

**DETAILED ACTION**

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 11- 13, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Okabe et al. (US 6,280,799).
4. Regarding claim 1, Okabe discloses a method for manufacturing an LCD (see figure 5, for instance), wherein spacer particles (19) are located at an arbitrary position on a substrate (16) by ejecting a dispersion of spacer particles (11) by an ink-jet method, a diameter  $D_1$  (column 6, lines 42-46) of an adhered droplet of said dispersion (11) of spacer particles, having adhered to said substrate, and a diameter  $D_2$  (column 6, lines 55-58) of the adhering spacer particles (19), remaining after the said dispersion (11) of spacer particles is evaporated, satisfying a relationship of the following equation:  $D_2 < (D_1 \cdot 0.5)$ . Claim 1 is therefore unpatentable.

5. Regarding claim 2, Okabe discloses the method for manufacturing an LCD (see figure 5, for instance) of claim 1, wherein the surface temperature, (held at room

temperature, 25°C, (column 12, line 62)) of a substrate (16) at the time when a dispersion (11) of spacer particles adheres to the substrate is at least 20°C lower than a boiling point (column 9, lines 4-9) of a liquid having the lowest boiling point (150°C) among liquids contained in said dispersion (11) of spacer particles. Claim 2 is therefore unpatentable.

6. Regarding claim 3, Okabe discloses the method for manufacturing an LCD (see figure 5, for instance) of claim 1, wherein the surface temperature of a substrate at the time when a dispersion of spacer particles adheres to the substrate is at least 20°C lower than a boiling point (column 9, lines 4-9) of a liquid having the lowest boiling point among liquids contained in said dispersion (11) of spacer particles, and the surface temperature of a substrate is 25°C (room temperature, column 12, line 62) during a time period until the dispersion (11) of spacer particles is completely evaporated. Claim 3 is therefore unpatentable.

7. Regarding claim 11, Okabe discloses a dispersion of spacer particles (see figure 5, for instance), which comprises spacer particles in which a vinyl-based thermoplastic resin, formed by free radical polymerizing vinyl-based monomers having a hydrophilic functional group and/or an alkyl group having 3 to 22 carbon atoms (column 9, lines 24-63), is combined with the surface of an inorganic fine particle and/or an organic fine particle by graft polymerization (column 7, lines 62-67); and a medium comprising water and/or a hydrophilic organic solvent and having the surface tension of 25 to 50 mN/m at 20°C (column 8, line 14), said spacer particles being dispersed in the form of a single particle in said medium (column 7, line 65). Claim 11 is therefore unpatentable.

8. Regarding claim 12, Okabe discloses a dispersion of spacer particles (see figure 5, for instance) according to claim 11, wherein the vinyl-based monomer contains a vinyl-based monomer having a hydrophilic functional group in an amount greater than 50% (column 9, lines 8-13) by weight and a vinyl-based monomer having an alkyl group having 3 to 22 carbon atoms in an amount greater than 50% by weight (column 9, lines 8-13). Claim 12 is therefore unpatentable.

9. Regarding claims 13 and 20, Okabe discloses a dispersion of spacer particles (see figure 5, for instance) according to claim 11, wherein the hydrophilic functional group is at least one species selected from the group consisting of hydroxyl group, carboxyl group, sulfonyl group, phosphonyl group, amino group, amide group, ether group, thiol group and thioether group (column 9, line 33-34). Claims 13 and 20 are therefore unpatentable.

10. Claims 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto et al. (US 2002/0067452).

11. Regarding claim 7, Sakamoto discloses a substrate for an LCD (see figures 2(a) and 6(b)), wherein a color filter (202) comprising a pixel area (608) arrayed in accordance with a given pattern and a shading area (609) defining said pixel area (608) is formed, an orientation layer, a contact angle of which relative to the dispersion of spacer particles ([0089]) is  $\theta_b$ , being present in an area representing said pixel area (608) and, an area, a contact angle of which relative to the dispersion of spacer particles is  $\theta_a$  being present at least in a part of an area representing said shading area

(609), and said  $\theta_a$  and said  $\theta_b$  satisfying a relationship expressed by the following equation:  $\theta_a < \theta_b$ . Claim 7 is therefore unpatentable.

12. Regarding claim 10, Sakamoto discloses a substrate for an LCD (see figures 2(a) and 6(b)) according to claim 7, wherein the dispersion of spacer particles ([0089]) is ejected onto the area where a contact angle of said substrate (602) for an LCD relative to the dispersion of spacer particles ([0089]) is  $\theta_a$  to locate the spacer particles (607). Claim 10 is therefore unpatentable.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 4-6 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose et al. (US 6,501,527) in view of Okabe et al. (US 6,280,799).

15. Regarding claims 4-5 and 14-17, Hirose discloses a dispersion of spacer particles (see figure 12, for instance), wherein a dispersion of spacer particles (18) comprises a medium containing methyl methacrylate (Examiner takes Official Notice that the boiling point of methyl methacrylate is 100° C) in an amount of 10 to 80% by weight (column 16, line 21) and ethylene glycol (Examiner takes Official Notice that the boiling point of ethylene glycol is 197° C) in an amount of 10% (column 16, line 23) by weight, and spacer particles (15), and the content of said spacer particle is 0.1-30% by

weight (column 9, lines 50-52). However, Hirose does not expressly disclose wherein spacer particles are located at an arbitrary position on a substrate by ejecting a dispersion of spacer particles by an ink-jet method, a diameter  $D_1$  of an adhered droplet of said dispersion of spacer particles, having adhered to said substrate, and a diameter  $D_2$  of the adhering spacer particles, remaining after the said dispersion of spacer particles is evaporated, satisfying a relationship of the following equation:  $D_2 < (D_1 \cdot 0.5)$ .

16. Regarding claims 4-5 and 14-17, Okabe discloses the method for manufacturing an LCD (see figures 5 and 9, for instance) of claims 1-3, wherein spacer particles (19) are located at an arbitrary position on a substrate (16) by ejecting a dispersion of spacer particles (11) by an ink-jet method, a diameter  $D_1$  (column 6, lines 42-46) of an adhered droplet of said dispersion (11) of spacer particles, having adhered to said substrate, and a diameter  $D_2$  (column 6, lines 55-58) of the adhering spacer particles (19), remaining after the said dispersion (11) of spacer particles is evaporated, satisfying a relationship of the following equation:  $D_2 < (D_1 \cdot 0.5)$ .

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of dispensing particles of Okabe in the dispersion of Hirose. The motivation for doing so would have been to have accurate manufacturing control when using a wide range of particle sizes, as taught by Okabe (column 2, lines 1-7). Claims 4-5 and 14-17 are therefore unpatentable.

18. Regarding claims 6 and 18-19, Hirose in view of Okabe discloses the method for manufacturing an LCD (see Hirose figure 12, for instance) of claims 1-5, and 14-17, as applied above, and Hirose further discloses wherein the dispersion of spacer particles

(18) has a contact angle appearing to be within the range of 25 to 70°, in light of Figure 12, relative to an orientation layer (5) on a substrate (1).

19. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al. (US 2002/0067452) in view of Hirose et al. (US 6,501,527).

20. Regarding claim 8, Sakamoto discloses a substrate for an LCD (see figures 2(a) and 6(b)) according to claim 7. However, Sakamoto does not expressly disclose wherein after an orientation layer, a contact angle of which relative to the dispersion of spacer particles is  $\theta_b$ , is uniformly formed on the whole surface of a substrate, by applying non-contact energy irradiation to a position at which the spacer particle is chosen to be located, the orientation layer in the position is removed or modified to bring a contact angle relative to the dispersion of spacer particles into  $\theta_b$ .

21. Regarding claim 8, Hirose discloses a dispersion of spacer particles (see figure 12, for instance), wherein after an orientation layer (5), a contact angle of which relative to the dispersion of spacer particles (18) is  $\theta_b$ , is uniformly formed on the whole surface of a substrate (1), by applying non-contact energy irradiation (column 13, lines 33-35) to a position at which the spacer particle (15) is chosen to be located, the orientation layer (5) in the position is removed or modified (column 13, lines 29-35) to bring a contact angle relative to the dispersion of spacer particles (18) into  $\theta_a$ .

22. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the steps of forming the spacer contact angles of Hirose in the substrate of Sakamoto. The motivation for doing so would have been to obtain less

color irregularity and excellent contrast, as taught by Hirose (column 14, lines 5-8).

Claim 8 is therefore unpatentable.

23. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al. (US 2002/0067452) in view of Hirose et al. (US 6,501,527) as applied to claim 8 above, and further in view of Furukawa et al. (US 6,392,736).

24. Regarding claim 9, Sakamoto in view of Hirose discloses a substrate for an LCD (see Hirose figures 2(a) and 6(b)) according to claim 7, and as applied to claim 8 above, wherein an orientation layer (5) is applied to a substrate (1) having a surface, a contact angle of which relative to the dispersion of spacer particles (18) is  $\theta_a$ , and by exposing the orientation film (5) via the medium of a mask and developing the film (column 13, lines 33-35), an orientation layer (5) is formed in the form of a pattern on the surface of the substrate (1) other than the position at which the spacer particle (15) is chosen to be located and a contact angle of the surface of said orientation layer (5) relative to the dispersion of spacer particles (18) is brought into  $\theta_b$ . However, Sakamoto in view of Hirose does not expressly disclose wherein a photosensitive polyimide is used as the orientation layer.

25. Regarding claim 9, Furukawa discloses an LCD (see figure 1, for instance), wherein a photosensitive polyimide resin precursor or a photosensitive polyimide resin (column 20, lines 22-24) is used as the orientation layer (24a).

26. it would have been obvious for one of ordinary skill in the art at the time of the invention to use the orientation layer of Furukawa in the device of Sakamoto in view of Hirose. The motivation for doing so would have been to simplify manufacturing steps,

shorten manufacturing time, and increase productivity, as exemplified by Furukawa (column 2, lines 29-32). Claim 9 is therefore unpatentable.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathanael Briggs whose telephone number is (571) 272-8992. The examiner can normally be reached on 8:30 AM to 5:00 PM (EST) Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathanael Briggs  
8/29/2006

  
ANDREW SCHECHTER  
PRIMARY EXAMINER